

<p align="center"><b>STATE OF VERMONT</b></p> <p align="center"><b>AGENCY OF HUMAN SERVICES</b></p> <p align="center"><b>DEPARTMENT OF CORRECTIONS</b></p>	<p><b>Title:</b></p> <p align="center"><b>RELEASE SENSITIVE NOTIFICATION (RSN) CASES</b></p>		<p align="center"><b>Page 1 of 13</b></p>			
<p><b>Chapter:</b></p> <p align="center"><b>CLASSIFICATION</b></p>	<p align="center"><b># 371.28</b></p>	<p><b>Supersedes</b> #371.28 RSN dated 10/01/12; and Protocol #371.08.01, <i>Re-Integration Sensitive Notification Cases</i>, dated 1/19/06.</p>				
<p><b>Attachments, Forms &amp; Companion Documents:</b></p> <ol style="list-style-type: none"> <li>1. RSN Checklist</li> <li>2. Sample RSN Memo</li> <li>3. Law Enforcement Notification: Standard Release Form</li> <li>4. Law Enforcement Notification: High Risk Sex Offender Release Form</li> <li>5. Authorization for Release of Offender Information - Commissioner Waiver</li> </ol>						
<p><b>Local Procedure(s) Required:</b> No</p> <p><b>Applicability:</b> All staff (including volunteers and contractors)</p> <p><b>Security Level:</b> "B" - Anyone may have access to this document.</p>						
<p><b>Approved:</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 40%; text-align: center;"> <p>_____</p> <p><b>Andrew A. Pallito, Commissioner</b></p> </td> <td style="width: 20%; text-align: center;"> <p><b><u>October 25, 2012</u></b></p> <p><b>Date Signed</b></p> </td> <td style="width: 40%; text-align: center;"> <p><b><u>November 1, 2012</u></b></p> <p><b>Date Effective</b></p> </td> </tr> </table>				<p>_____</p> <p><b>Andrew A. Pallito, Commissioner</b></p>	<p><b><u>October 25, 2012</u></b></p> <p><b>Date Signed</b></p>	<p><b><u>November 1, 2012</u></b></p> <p><b>Date Effective</b></p>
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## PURPOSE

The purpose of this administrative directive is to identify the procedures and guidelines for determining, and designating inmates as release sensitive notification (RSN) cases. This directive describes the requirements for designating an inmate as RSN, release planning, and the notification process for RSN cases. This directive does not apply to sentenced/detained or detained inmates in custody of the Vermont Department of Corrections.

## POLICY

It is the policy of the Vermont Department of Corrections to make every reasonable effort to properly prepare and plan for the release and reintegration of inmates who are returning to the community following incarceration, after getting input from the victim and addressing individual and public safety concerns. Inherent within that responsibility is the need to take additional steps to notify and consult with all required parties and appropriate community members prior to the release of high profile and serious crime inmates.

## AUTHORITY

28 V.S.A. § 104.

## REFERENCE

Department Administrative Directives #255.01 *Sex Offender Registry and Internet Registry Determinations*, #371.05 *Offender Case Planning*, #371.08 *Classification of Offenders Convicted of Listed Offenses*, #371.10 *Level C Designation for Offenders Convicted of Listed Offenses*, #371.11 *Level C Performance Expectations*, #371.14 *Furlough Residence Approval*, #371.15 *Conditional Re-entry*, #430.10 *Risk Management Supervision*, and #502.01 *Victim Notification – Automated (VANS) and Non-automated*.

## DEFINITIONS

Case Staffing: A review of pertinent case plan information by Department of Corrections facility, probation and parole, and central office staff in order to make classification decisions about appropriate custody level, furlough status, programming, and level “C” designation for offenders convicted of listed offenses, as well as release sensitive notification cases.

Central Case Staffing: A review of pertinent offender case plan information by a committee of central executives and the local staff involved in that case, in order to make classification decisions that requires consultation with and decision-making by staff from multiple disciplines.

Community Notification Plan: A plan which identifies the timing and what specific information will be disseminated to identified audiences.

Confidential Information: Including, but not limited to, case records unless access is provided for in *Directive 254.01*; records dealing with the detection and investigation of crime; treatment records unless access is provided for in *Directive 254.01*; records obtained from the Vermont Criminal Information Center (unless the Commissioner of Public Safety expressly approved disclosure); home or business addresses and home or business telephone numbers; names and/or identity of confidential informants referenced in a disciplinary report; information related to victims, such as their names, home or business addresses, home or business telephone numbers; whether a victim has requested notification of an inmate’s parole hearings or an inmate’s release to the community; “blue” notes; names of other inmates in treatment records when the request for access is for records of the subject of treatment, and as provided in 28 V.S.A. § 204(d), pre-sentence reports, pre-parole reports, or supervisory history of probationers prepared by an employee of the Department except that disclosure is permitted in the following circumstances: (1) a court order is issued in compliance with 28 V.S.A. § 204 (d) permitting the inspection of the report or supervision history or parts thereof ; or (2) criminal justice personnel and AHS employees are seeking access to supervision records for the purposes of protection of children or investigating/prosecuting offenses against children.

Detainee: A person committed to the Commissioner of Corrections by the court or other authorized person or entity, who is confined in a correctional facility until he/she is sentenced or released.

Level C Offender: Level C designation is reserved for those offenders whose listed offenses are egregiously harmful and who are assessed as high risk for future violent criminality.

Level of Services Inventory- Revised (LSI-R): (1) Structured assessment of an offender's risk and needs, used to assist in treatment planning and assignment of varying levels of supervision; (2) A 54-item measure of general recidivism risk which examines both static and dynamic risk factors. Administration of the LSI-R involves review of file material and an interview with the offender. The measure yields a total composite score which identifies the risk group (low, low-moderate, moderate-high, high) into which the offender falls, and ten sub-scores reflecting the degree to which recidivism-related variables are present or not present in a case. This is a measure of general risk (i.e., any recidivism). The LSI-R score predicts furlough/parole outcomes, success in correctional halfway houses, institutional misconduct, and recidivism. The LSI-R is administered by trained casework staff at correctional facilities and field sites.

Listed Offense(s): Criminal offenses described in 13 V.S.A. § 5301 (7) characterized by a violent act or the attempt of a violent act toward persons, and those violent crimes that the Department of Corrections has determined meet the rationale that established the listed offenses in 13 V.S.A. § 5301 (7).

Local Case Staffing: Review of pertinent case plan information by Department of Corrections facility and/or probation and parole office staff in order to make classification recommendations or decisions about appropriate custody level, furlough status, level "C" designation for offenders convicted of listed offenses, and reintegration sensitive notification cases. All RSN cases must be forwarded to the Central Case Staffing Committee.

Release Sensitive Notification (RSN) Case: A case in which the Department takes additional steps in notifying community partners, victims, and other members of the public who may be impacted by the inmate's release. A case is assigned RSN status by a central case staffing team based on field and facility recommendation. Criteria for RSN status include, but are not limited to, LSI scores, victim and community sentiment, and media or political notoriety of the offense. This does not pertain to sentenced/detained or detained offenders.

RSN Release Plan: A release plan developed for RSN cases, including the address for victim contact, referral to community services or DOC victim services, and any other special victim issues/needs and community notifications. Special victim issues include, but are not limited to, existing court orders, release location restrictions, restitution, child support, safety concerns, general victim anxiety, concern, and/or strong negative reaction about the inmate's release.

Sentenced/Detained Offender: An individual who is both serving a sentence and also has a detainer against their release from custody. The detainer may be lodged by another jurisdiction against a prisoner housed in Vermont or outside of Vermont. The detainer may be for pending charges that are not yet adjudicated and need to be resolved, or may be for charges that have been adjudicated, and the offender needs to serve a sentence in the requesting jurisdiction.

Sex Offender Review Committee: A committee of five (5) people appointed by the Commissioner to determine if referred sex offender cases meet the designation of high-risk established in statute for purposes of Internet registration.

VANS (Vermont Automated Notification Service): An open automated victim information and notification service that provides registered victims, family members, affected persons, other community members, and Department staff with timely and accurate information concerning an offender's status, location, movement, and upcoming releases through an automated phone call, email, and/or a letter when applicable.

Victim Confidentiality: Maintaining any information pertaining to the victim, including, but not limited to, victim contact information or case notes involving victim contact, in a secure location where no one other than Victim Services Program staff or other authorized Department staff involved with the specific offender have access. Maintaining victim confidentiality also requires that no information about the victim be shared with the offender without the victim's permission, unless there is a court order requiring disclosure.

Victim Wrap-around: A meeting coordinated by a Victim Services staff member for the purpose of developing a community-based safety plan for victim(s) and affected parties.

## **PROCEDURAL GUIDELINES**

### **1. Criteria for Release Sensitive Notification (RSN) Designation**

Some inmate cases will automatically be designated as RSN, and others will be designated following a central case staffing.

a. Automatic RSN cases:

- i. All offenders designated as Level C, and
- ii. All sex offenders designated as high risk by the Sex Offender Review Committee.

b. RSN staffing referrals (Potential):

Case co-managers are responsible for identifying potential RSN cases and for completing *Attachments 1, 2, 3 & 4* in support of that referral. The case co-manager requesting RSN will refer potential cases to a central level case staffing to determine RSN designation. Staff should evaluate the following as indicators for a potential RSN case.

- i. There is strong community sentiment, anger, and/or fear about the offender or the offense due to the egregious nature and/or notoriety of the crime. Further, at the time of the crime and/or the present time, there are elevated levels of concern and interest by victims, the media, or law enforcement personnel concerning the release of a particular offender; or
- ii. The offender is convicted of a listed offense; or
- iii. There is a victim notification on file; or
- iv. The offender is designated as medium or high within Risk Management Supervision; or
- v. The case co-managers identify concerns that are not addressed in the above.

### **2. RSN Local Case Review**

- c. Any case being considered for an RSN designation will first be presented at a local case staffing. The assigned Facility Caseworker, the Facility Casework Supervisor (LUS), the assigned field Probation Officer, and a Victim Services Specialist (when available) should be present at this staffing.
- d. The local case staffing committee will decide whether the inmate will be recommended for RSN designation or not. Designated staff will enter case notes that discuss the team's recommendation to refer the case to a central level staffing. The Facility Superintendent and the District Manager at the Probation office will be notified of the team's recommendation.

If the decision is to recommend the RSN designation, all applicable categories will be checked off on the completed *RSN Checklist (Attachment 1)*, and the *RSN Memo (Attachment 2)* will be sent electronically to the case staffing alias (doccasestaffing@state.vt.us) with a recommendation for a central case staffing.

If the local staffing teams are in disagreement about referring a case for potential designation, the case will be referred to the Central Case Staffing Committee for final determination.

- e. **NOTE:** This form and memo do not become part of the inmate's file but will be maintained administratively by the Director of Community Corrections, Re-entry and Classification. If approved by the central staffing committee, the memo will be entered into the electronic database in case note format.
- f. If the inmate is designated as RSN, a case-co manager will enter the RSN memo contents into the inmate electronic case notes.

### 3. Central Review and Designation of RSN Cases

- a. Newly-recommended RSN cases will be centrally staffed at a scheduled central case staffing meeting. The Central Case Staffing Committee will review all RSN-related paperwork, discuss the case with all interested participants, and determine the final designation.
- b. Designated staff from the Central Case Staffing Committee will enter a case note into the database indicating the central staffing date, the participants, and the rationale used to make the final determination and designation.
- c. If the Central Case Staffing Committee determines that the inmate will be designated as RSN, the facility Casework Supervisor or higher authority will enter "Yes" or "No" in the RSN designation field of the Conviction Violation Summary (CVS) data form. This data form is accessible on the Department Intranet (under Assess/Survey in the Offender Locator application). Checking *RSN – Yes* requires the Facility Caseworker to enter a case note explaining the rationale for an RSN designation. One of the case co-managers enters a case note selecting "Release Sensitive Notification Activity" in the *Service Provided* field.

### 4. Procedure for Release Planning in RSN Cases

- a. Upon designation of RSN, the case co-managers will develop an RSN-specific release plan. This RSN release plan must be approved by the Facility Casework Supervisor/Living Unit Supervisor (LUS) in conjunction with the field Corrections Program Supervisor. The release plan will be documented in electronic case notes and reflected in the offender's Case Plan.
- b. The serious and high profile nature of RSN cases requires that certain issues and concerns be addressed in the release plan. The following will be completed as far in advance as possible before the anticipated release of the inmate.

RSN-specific release plans should include:

- i. Residence approval must ensure that victim(s) proximity is considered, and determined to be appropriate, and sufficient to protect victims(s) from immediate contact or harm;
- ii. Documentation of victim(s) concerns relative to the inmate's release, and any strategies to mitigate those concerns on behalf of the victim(s).

## **5. Victim Considerations**

- a. Case co-managers will notify the Department Victim Services Director of an RSN-designation, the inmate's projected release date, release location and release plan; the inmate's program participation status; and the plan for notifying victims, or other interested parties of the release.
- b. In collaboration with the Department Victim Services Program, the case co-managers will develop plans for victim contact (if desired by the victim), victim referrals to community services or DOC victim services and any other special victim issues/needs. Staff should consider the following when supporting victims: is the inmate's release location in close or of concerning proximity to the victim; does the inmate owe restitution or child support; does the victim have safety concerns; general victim anxiety, concern, and/or strong negative reaction about the inmate's release. Any identified victim needs will be referred to Victim Services.
- c. Case co-managers will also make sure that the victim/s is aware of the Vermont Automated Notification Service (VANS) and will assist with registering a victim into the system.
- d. Victim Services staff will follow up and provide any safety planning activities or service such as, but not limited to, developing victim wrap-around services, obtaining an *Authorization for Release of Offender Information - Commissioner's Waiver (Attachment 5)*, and/or a photograph of the inmate.

## **6. Community and Supervision Considerations**

- a. The Facility Caseworker will make contact with the Community and Restorative Justice Executive at least six (6) months prior to the projected release date to develop an appropriate community notification plan that outlines who will be notified, by whom and when, and to designate who will respond to media inquiries.
- b. Staff will identify parties, other than the victim, that should be informed of the inmate's release and develop a plan for notifying those persons or parties.
- c. The Facility Caseworker will complete a relevant *Law Enforcement Notification: Release Form* (either *Attachment 3* or *4*); and they will send the release form for sex offenders (*Attachment 4*) to the Community and Restorative Justice Executive and the Director of the VTPSA Program. The Caseworker will send a release form on all other offenders (*Attachment 3*) to the Community & Restorative Justice Executive and the Director of Community Corrections, Re-entry, and Classification.
- d. All press releases/notifications concerning RSN cases will state the name of the offender and any known aliases they may have.
- e. All Court-ordered restrictions will be reviewed and addressed prior to release.
- f. Plans for housing, job and supervision will be identified as available.

## **TRAINING**

It is the responsibility of the Facility Superintendents and District Managers to ensure that all casework staff are fully trained in the application of this directive.

## **QUALITY ASSURANCE**

The Quality Assurance Division will monitor for staff compliance with this directive. Focus will be on actual performance compared to established performance objectives.



## RELEASE SENSITIVE NOTIFICATION CHECKLIST

**INMATE NAME:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**PID#:** \_\_\_\_\_

**CSS CHECKLIST - Rationale used (*Check all that apply.*):**

- ☐ Listed offender
- ☐ Medium or high risk within Risk Management Supervision
- ☐ Victim notification on file
- ☐ Community sentiment
- ☐ Level C designation
- ☐ Referred to Sex Offender Review Committee (*Directive 255.01*)

**CASE STAFFING CSS (Field & Facility), CWS, Victim Services) - (*Check all that apply.*)**

- ☐ Media issues/coverage
- ☐ Political issues/coverage
- ☐ Victim reaction
- ☐ Community reaction
- ☐ Victim/community safety
- ☐ Other reasonable rationale

**Central Staffing Date:** \_\_\_\_\_

**Case Note Dated:** \_\_\_\_\_

**Case Note Entered by:** \_\_\_\_\_

**\*Special Note\*** - This form should be mailed electronically to the case staffing alias (docasestaffing@state.vt.us) and should not be part of the offender's file.

**Central Office Approval by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Cc: DOC Case Staffing Alias*

## **SAMPLE RSN MEMO**

### **Outline**

#### **Paragraph 1: Identify the inmate.**

- Inmate name
- Inmate age
- Sentence
- Conviction(s)
- Details of offense(s)

#### **Paragraph 2: Describe classification of inmate.**

- Current minimum/maximum dates
- LSI-R score/range
- Listed or non-listed offender
- Need areas (identified from LSI-R)

#### **Paragraph 3: Outline case plan and detail compliance or non-compliance with case plan.**

- Inmate's case plan
- Progress at meeting case plan
- Employment/education history while incarcerated
- Disciplinary history

#### **Paragraph 4: Identify rationale for RSN designation.**

- Overwhelming media coverage at the beginning, during, or end of sentence
- Strong community reaction at the beginning, during, or end of sentence
- Political issues – to include inmate, victim or community issues, which are, or may be, sensitive politically.
- Victim concerns



## Attachment 2 - Sample

**Sample Case Note****Release Sensitive Notification**

Inmate Z is a fifty-four year old inmate serving a sentence of 10 years to 20 years for the convictions of Aggravated Sexual Assault and Kidnapping. Mr. Z's offense was a random, violent act in which he kidnapped and sexually assaulted a prominent member of the community. In the late evening, Mr. Z arrived at the victim's residence asking for directions. When the victim opened the door, Mr. Z struck the victim and knocked her unconscious. Mr. Z then bound the victim and took her to a remote camp in the woods. Over the course of several hours, Mr. Z tormented and sexually assaulted the victim until her eventual escape. Mr. Z was not apprehended for several days following the incident, leaving the victim and community in fear.

Mr. Z's current minimum release date is January 22, 2012 and his maximum release date is April 4, 2017. Mr. Z is classified as a listed offender, scoring a 35 on the LSI-R. Inmates scoring in this range are medium/high risk and have an approximately 57% chance of recidivism. Mr. Z has been assessed with high need areas in Criminal History, Education/Employment, Family/Marital, Leisure/Recreation, Companions, Alcohol/Drug and Attitudes/Orientation.

Mr. Z's case plan calls for him to participate and complete the Vermont Treatment Program for Sexual Abusers (VTPSA). The VTPSA assessment recommended that Mr. Z complete a period of time in the Cognitive Self Change (CSC) Program prior to admittance to VTPSA. Mr. Z completed the CSC requirement and is currently involved in the VTPSA. Mr. Z is expected to complete the VTPSA Program and be eligible for Conditional Re-entry in January 2012. Mr. Z has participated in facility work but has shown no interest in education. Mr. Z has not been a behavioral issue while incarcerated and has not received any disciplinary reports to date.

Mr. Z is being considered a Release Sensitive Notification case for the following reasons. Mr. Z's crime involved the kidnapping and sexual assault of a prominent member of the community. At the time of Mr. Z's apprehension, there was much media coverage of the crime as well as an overwhelming community reaction to this case. Mr. Z's victim also has strong political issues and has actively sought out progress in Mr. Z's case throughout his incarceration. In addition, as Mr. Z has neared his minimum release date, media and community scrutiny has begun to build once again.

*August 2012*



Attachment 3 - Sample VERMONT DEPARTMENT OF CORRECTIONS

LAW ENFORCEMENT NOTIFICATION: STANDARD RELEASE FORM

**CONFIDENTIAL: FOR LAW ENFORCEMENT AND CITY/TOWN OFFICIALS ONLY**

To: (specific police agency) \_\_\_\_\_

From: (specific staff) \_\_\_\_\_ Phone Number: \_\_\_\_\_

Office: \_\_\_\_\_

Date: \_\_\_\_\_

This is to inform you of the release of offender

**Offender's Name**

From \_\_\_\_\_

to community supervision.

DOB: \_\_\_\_\_

Any Known Alias: (None Known)

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Summary of current offense:

(Very brief overview, couple of sentences)

Risk to Reoffend: \_\_\_\_\_

Supervision Status: \_\_\_\_\_

☐ Served Maximum Sentence and will no longer be under the supervision of the Department of Corrections

☐ Will max to probation office: \_\_\_\_\_

(Insert Current Offender Photos, side and front, at the bottom here.)



**LAW ENFORCEMENT NOTIFICATION: HIGH RISK SEX OFFENDER RELEASE FORM**

**CONFIDENTIAL-FOR LAW ENFORCEMENT & CITY/TOWN OFFICIALS ONLY**

Insert Current Photo of Sex Offender-front

Insert Current Photo of Sex Offender-side

**Today's Date:**

**Offender Name:**

**DOB:**

**Any Known Alias:** (None Known)

**Hair Color:**                      **Weight:**      lbs      **Height:**      Inches      **Eye Color:**

**Race:**                                      **Complexion:**

**Place of Birth:**                                      **Sex:**

**Citizenship:**                                      **Marital status:**                      **Release Date:**

**Offense(s):**

**Docket #(s):**

**Sentence:**                                      **Sentence Date:**

**Supervision Status:**

☐

Served Maximum Sentence and will no longer be under the supervision of the Department of Corrections

☐

Will be released to Community Supervision at:

**Proposed Residence: Address**

**City**                      **State**                      **Zip Code**

**Family Contact: Name**

**Address**

**City**                      **State**                      **Zip Code**

**For More Information:**

VERMONT DEPARTMENT OF CORRECTIONS

**LAW ENFORCEMENT NOTIFICATION: HIGH RISK SEX OFFENDER RELEASE FORM**

(Continued)

The Vermont Department of Corrections is providing this summary of information about to law enforcement agencies to assist them in preparing for his release on from incarceration to a location at , .

Some of this information is protected by confidentiality laws, and the further dissemination of such information should not be done without advice from appropriate legal counsel.

Summary of Current Offense:

Prior Convictions with Brief Summary:

Offense Patterns:

Minimum Release Date:

Maximum Release Date:

Supervision Behavior:

Programming History:

Risk to Re-Offend:

Compared to other incarcerated sex offenders, 's risk to commit another sexual offense is considered to be in the , and his risk for general criminal recidivism is considered to be in . Based on his past history and self-report, if he were to sexually re-offend, his most likely victims would be

**AUTHORIZATION FOR RELEASE OF OFFENDER INFORMATION –**

**COMMISSIONER WAIVER**



I, Commissioner's Name , Commissioner of the Vermont Department of Corrections, authorize the release of a photograph and information regarding the schedule and locations of

**Offender's Name**

**Offender's DOB**

**Any Known Alias:** (None Known)

to Director's Name , Director of Victim Services, to share with those he/she deems appropriate in order to promote victim safety, in accordance with Administrative Directive 254.01, *Access to Offender Case and Criminal History and Treatment Information*.

A photocopy of this Authorization shall be as valid as the original.

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Commissioner of Corrections

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Date